



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated 26.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.16786 of 2020

(Through Video Conferencing)

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... Petitioner

Vs.

1.The Tahsildar,
Office of Taluk Office
Athoor, Dindigul District.

2.The Surveyor,
Office of South Surveyor Office,
Kannivadi
Dindigul District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to survey and measure the petitioner's property comprised in survey number 339-1 measuring an extent of 1.75.00 ares situated at Kannivadimalai Village, Athoor, Dindigul District on the basis of the notice dated 15.10.2019 issued by the 1st respondent authority within the time stipulated by this Court.

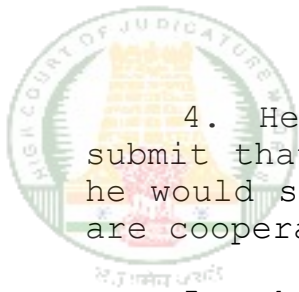
For Petitioner : Mr.P.Vetrivel
For Respondents : Mr.M.Muniyasamy
Addl. Government Pleader

O R D E R

The writ petition has been filed for a direction to the respondents to survey and measure the petitioner's property comprised in survey number 339-1 measuring an extent of 1.75.00 ares situated at Kannivadimalai Village, Athoor, Dindigul District on the basis of the notice dated 15.10.2019 issued by the 1st respondent authority within the time stipulated by this Court.

2.Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader, who takes notice for the respondents. By consent of both sides, the writ petition is taken up for final disposal.

3.According to the petitioner, in order to survey and demarcate the property comprised in S.NO.339-1 to an extent of 1.75.00 ares, he approached the respondents with a petition dated 15.10.2020. However, since no action has been taken either on the said representation or on the application for measuring the property, the petitioner is before this Court.



4. Heard the learned Special Government Pleader, who would submit that notice has already been issued on 20.11.2020. However, he would submit that neither the petitioner nor the private parties are cooperating the respondents to measure the property.

5. This Court is not inclined to render any finding on the factual aspects and that the petitioner has not made those private persons as parties to this writ petition and the conduct of the petitioner is deprecated. Considering the facts and circumstances, this Court is inclined to direct the respondents to conduct survey and pass necessary orders in accordance with law, after hearing the petitioner and the necessary parties. In case of issuance of patta, survey needs to be conducted and the said survey shall be photographed and videographed in the presence of the petitioner and necessary parties and the costs of photograph and Videograph to be borne by the party seeking patta. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not decided the rights of the parties in the present Writ Petition. It is open to the respondents to decide the same in accordance with law. The guidelines issued by this Court in W.P.(MD)No.13465 of 2020 modified on 13.10.2020 should be followed, wherever it is applicable.

6. The writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Tahsildar,Office of Taluk Office
Athoor, Dindigul District.

2.The Surveyor,Office of South Surveyor Office,
Kannivadi,Dindigul District.

W.P. (MD)No.16786 of 2020

26.11.2020

SJ(CO)

AP(10/12/2020) 2P 3C

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